

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

June 22, 2009

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **June 22, 2009**, at 6:29 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Supervisor, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Steve C. Davis, Council Member District No. 8; Mr. Joshua A. Gruber, Assistant County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Cathy S. Davis, Council Member District No. 4, and Mr. Jack H. Schurlknight, Council Member District No. 6, were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Special Meeting of Council held May 11, 2009; Public Hearings for Bills Numbered 09-08, 09-09, 09-10 and 09-11, and a Regular Meeting of Council held May 27, 2009.

It was moved by Council Member Callanan and seconded by Council Member Fish to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION – none

EXECUTIVE SESSION – none

MR. PAUL CONNERTY, EXECUTIVE DIRECTOR, TRIDENT WORKFORCE INVESTMENT BOARD

Chairman Daniel Davis recognized and welcomed Mr. Paul Connerty, Trident Workforce Investment Board Director, in attendance this night.

Chairman Daniel Davis reported that the proposed resolution for continuance of budgets for Berkeley County and Berkeley County Water and Sanitation were necessary, in order to complete both budgets. Unfortunately, the Board of Economic Advisors revised its estimates on state revenues for 2009-2010. Revenues coming into the state would have an impact on Berkeley County, as state legislators continue to discuss shortfalls. A Finance Committee Budget Workshop has been scheduled for June 29th, at 7:00 p.m., with adoption of these two budgets, hopefully, on July 13th.

THIRD READING

“BILL NO. 09-12, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #141-00-02-077, #141-00-02-102 AND #141-00-02-089.”

(Frank & Donna Ward and Joseph Fort)

It was moved by Council Member Pinckney and seconded by Council Member Callanan to approve Bill Number 09-12 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-26 is attached to these minutes.)

“BILL NO. 09-13, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #142-00-00-006.”

(Berkeley County)

It was moved by Council Member Callanan and seconded by Council Member Fish to approve Bill Number 09-13 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-27 is attached to these minutes.)

“BILL NO. 09-14, AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONVEYANCE OF TWO ACRES OWNED BY BERKELEY COUNTY, LOCATED ON OLD HIGHWAY 6 IN CROSS, SOUTH CAROLINA, MORE PARTICULARLY IDENTIFIED BY TMS NUMBER 041-00-04-061.”

It was moved by Council Member Pinckney and seconded by Council Member Callanan to approve Bill Number 09-14 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-28 is attached to these minutes.)

“BILL NO. 09-15, AN ORDINANCE PROVIDING FOR THE ADOPTION OF FISCAL YEAR 2009-2010 (BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010) BUDGETS FOR THE BERKELEY COUNTY WATER AND SANITATION AND THE BERKELEY COUNTY WATER AND SANITATION SOLID WASTE FUND; ESTABLISHING OPERATIONAL, DEBT SERVICE AND CAPITAL IMPROVEMENT BUDGETS FOR WATER AND SEWER; AND TO PROVIDE FOR THE EXPENDITURES OF REVENUES COMING INTO BERKELEY COUNTY WATER AND SANITATION AND THE BERKELEY COUNTY WATER AND SANITATION SOLID WASTE FUND DURING THE FISCAL YEAR, AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY THE BERKELEY COUNTY WATER AND SANITATION.”

It was moved by Council Member Callanan and seconded by Council Member Farley to hold **Bill No. 09-15** in Committee. The motion passed by unanimous voice vote of Council.

“BILL NO. 09-16, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010 FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Fish and seconded by Council Member Callanan to **approve Bill Number 09-16** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-29 is attached to these minutes.)

“BILL NO. 09-17, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010 FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Callanan and seconded by Council Member Fish to **approve Bill Number 09-17** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-30 is attached to these minutes.)

“BILL NO. 09-18, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010 FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Farley and seconded by Council Member Callanan to **approve Bill Number 09-18** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-31 is attached to these minutes.)

“BILL NO. 09-20, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010 FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Fish and seconded by Council Member Callanan to approve Bill Number 09-20 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-32 is attached to these minutes.)

“BILL NO. 09-22, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 08-06-30 TO PROVIDE FOR THE ADOPTION OF STATE-MANDATED BUILDING AND SAFETY CODES.”

It was moved by Council Member Pinckney and seconded by Council Member Callanan to approve Bill Number 09-22 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-06-33 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“BILL NO. 09-23, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #241-00-03-001.”
(Sammy Bayles)

“BILL NO. 09-24, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-01-099, #271-00-01-090, #271-00-01-089, #271-00-01-102, #271-00-01-110, #271-00-01-137, #271-00-01-143, #271-00-01-179, #271-00-01-144, #271-00-01-111, #271-00-01-147, #271-00-01-148, #271-00-01-173, #271-00-01-172, #271-00-01-164, #271-00-01-145, #271-00-01-092 AND #271-00-01-093.”
(Berkeley County for Cainhoy Park Owners)

“BILL NO. 09-25, AN ORDINANCE TO AMEND ORDINANCE NO. 08-06-43, ADOPTED JUNE 23, 2008, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2008-2009 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO.”

It was moved by Council Member Callanan and seconded by Council Member Fish to approve Bills Numbered 09-23, 09-24 and 09-25 for Second Reading by one motion as a collective group. The motion passed by unanimous voice vote of Council.

FIRST READING

Chairman Daniel Davis stated there were six bills for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

“BILL NO. 09-26, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #263-00-01-013.”
(Tommy Boals)

“BILL NO. 09-27, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #252-03-08-015.”
(Bob Glover for Maggie Sass)

“BILL NO. 09-28, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #250-00-00-008.”
(Larry Windham)

“BILL NO. 09-29, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #016-00-04-039.”
(Bernard and Patricia Casey)

“BILL NO. 09-30, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FEE-IN-LIEU OF TAX ARRANGEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA (‘BERKELEY COUNTY’) AND HW BERKELEY PHASE II-A, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY (‘PHASE II-A’), HW BERKELEY PHASE II-B, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY (‘PHASE II-B’), HW BERKELEY PHASE II-C, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY (‘PHASE II-C’), HLIT IV SC-1, LP, A DELAWARE LIMITED PARTNERSHIP (‘SC-1’), AND HLIT IV SC-2, LP, A DELAWARE LIMITED PARTNERSHIP (‘SC-2’), (COLLECTIVELY THE ‘COMPANY’).”

“BILL NO. 09-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #103-15-01-002.”
(E.J. Meadows, Jr.)

RESOLUTIONS

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2008-2009 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

The proposed resolution for a transfer of funds was not necessary this night.

“RESOLUTION AUTHORIZING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2009-2010.”

It was moved by Council Member Fish and seconded by Council Member Pinckney to approve the resolution authorizing continuing appropriations for fiscal year 2009-2010, which would include the Berkeley County Budget and the Berkeley County Water and Sanitation Budget. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 09-22 is attached to these minutes.)

“RESOLUTION AUTHORIZING THE CONTINUING OF THE TALL PINES SPECIAL TAX DISTRICT BUDGET UNTIL SUCH TIME AS THE 2009-2010 BUDGET CAN BE FINALIZED.”

It was moved by Council Member Fish and seconded by Council Member Callanan to approve the resolution authorizing the continuing of the Tall Pines Special Tax District Budget until the 2009-2010 budget can be finalized. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 09-23 is attached to these minutes.)

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH PARKWAY INVESTMENTS, LLC, FOR PROPERTY LOCATED AT 102 SANGAREE PARK COURT, SUITES 1 AND 2, SUMMERVILLE, SOUTH CAROLINA 29483.”

It was moved by Council Member Farley and seconded by Council Member Pinckney to approve the resolution authorizing negotiation and execution of a lease agreement with Parkway Investments, LLC, for Suites 1 and 2, located at 102 Sangaree Park Court in Summerville. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 09-24 is attached to these minutes.)

REPORTS FROM STANDING COMMITTEES

Committee on FINANCE

Council Member, Mr. Jack H. Schurlknight, Chairman

Acting Chairman Pinckney reported that the Committee on Finance met June 8th and earlier this night. Many matters were addressed earlier on this night's agenda.

a. Berkeley County Chamber of Commerce Accommodations Tax Update

Acting Chairman Pinckney reported that Ms. Elaine Morgan, Berkeley County Chamber of Commerce CEO, provided the Committee with an update on the County's accommodations tax. No action was required.

b. Berkeley County Website Presentation

Acting Chairman Pinckney reported that Ms. Carole Grant, IT Director, provided the Committee with a presentation regarding the new Berkeley County website. No action was required.

(That concluded Chairman Schurlknight's report.)

Committee on LAND USE

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley reported that the Committee on Land Use met June 8th and earlier this night. All matters before the Committee were addressed on this night's agenda.

(That concluded Chairman Farley's report.)

Committee on PUBLIC WORKS AND PURCHASING

Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call reported that the Committee on Public Works and Purchasing met June 8th.

Approval of Bucket Truck Bid

[Lilley International: \$114,100.00]

On recommendation of the Committee, Chairman Call moved to **award** the contract for a **bucket truck**, in the amount of \$114,100.00, to Lilley International. *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call's report.)

Committee on JUSTICE AND PUBLIC SAFETY

Council Member, Steve C. Davis, Chairman

8th. Chairman Steve Davis reported that the Committee on Justice and Public Safety met June

Approval of 2009 Edward Byrne Memorial Justice Assistance Grant

On recommendation of the Committee, Chairman Steve Davis moved to **approve** receipt of the **2009 Edward Byrne Memorial Justice Assistance Grant (JAG)**, to be shared by the Sheriff's Department, in an amount of \$46,602.00, and the Solicitor's Department, in an amount of \$23,000.00, for a total grant amount of \$69,602.00. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Steve Davis' report.)

Committee on WATER AND SANITATION
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan reported that the Committee on Water and Sanitation met June 8th. All matters before the Committee were addressed earlier on this night's agenda.

(That concluded Chairman Callanan's report.)

Committee on PLANNING AND DEVELOPMENT
Council Member, Mrs. Cathy S. Davis, Chairman

Acting Chairman Farley reported that the Committee on Planning and Development met June 8th. Several matters before the Committee were addressed on this night's agenda.

On recommendation of the Committee, Acting Chairman Farley moved to approve the Berkeley County Strategic Plan. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Cathy Davis' report.)

Committee on COMMUNITY SERVICES
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

No report.

Committee on HUMAN SERVICES
Council Member, Mr. Dennis L. Fish, Chairman

No report.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Chairman Daniel Davis nominated Mr. Marvin Dickerson for appointment to the Trident Workforce Investment Board, replacing Mr. Chuck Cain, for a term to expire June 30, 2010.

Chairman Daniel Davis nominated Mr. Eugene Butler for appointment to the Trident Workforce Investment Board, replacing Mr. David Ginn, to fill an economic development seat, for a term to expire June 30, 2012.

It was moved by Council Member Farley and seconded by Council Member Fish to approve the nominations to the Trident Workforce Investment Board. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The **July 2009 Regular Meeting of Berkeley County Council** will be held on **Monday, July 27, 2009**, immediately following Public Hearings and other Committee Meetings at **6:00 p.m.**, in the **Assembly Room** of the **Berkeley County Administration Building**, 1003 Highway 52, Moncks Corner, South Carolina.

ADJOURNMENT

It was moved by Council Member Farley and seconded by Council Member Callanan to adjourn the Regular Meeting of County Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 6:45 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

Public Discussion commenced at 6:51 p.m.

Mr. Nicholas B. Campbell, residing at 1964 Highway 311, Cross, addressed Council and stated his concerns regarding mandatory tie-ins to Berkeley County Water and Sanitation

(BCWS) waterlines along Highway 311. Mr. Campbell stated that he had already spent approximately \$10,000 for a water well system on his property, and the water provided by that well was fine. The expense involved with tying into the County's system, along with running pipe to his house would be a "horrendous" expense, as Mr. Campbell lived on a fixed income. Thereafter, Mr. Campbell would be faced with another monthly bill for water. In conclusion, Mr. Campbell stated that he was very much against any mandatory tie-in, because it was not fair, nor was it right.

Ms. Judy C. Hogg, residing at 1353 Highway 311, Cross, addressed Council and stated her concerns with regard to BCWS waterlines along Highway 311. Ms. Hogg read a prepared statement into the record, as follows: "I am a Christian woman. I try in my life to love and care for my neighbor. My husband and I have spoken with our County Councilman, Mr. Pinckney, about this waterline. He has told my husband he thinks there is a great need on Highway 311 for this waterline, and it will demonstrate equality for all citizens. Judging from the statements of the people we have spoken with, the majority of the people who live on 311 seem to have a different view. If the need for this waterline is so great, why does it stop at Pinckney Court instead of it including the rest of our neighbors on 311, between there and 176. I try to look at both sides of the issue and have come to a conclusion. If the citizens in Mr. Pinckney's area have undrinkable water, I agree that this is a big problem that requires a solution. We have a deep water well on our property and have good, dependable drinking water. The great majority of our neighbors have similar deep wells. Why wasn't installing deep wells considered as a solution for this problem for our neighbors in Mr. Pinckney's area. Mr. Buck Sanders, in New Hope, runs a deep well drilling company and has quoted a price of \$4,000 to install a deep well just like the one we have. This price includes a submersible pump, a holding tank and running the pipe to the house. If Berkeley County had paid for the deep wells for everyone in Mr. Pinckney's area, cost would have been around \$120,000 compared to \$2,240,000 for this waterline. When we consider all the problems and additional costs for operating the waterline, it seems the citizens of Berkeley County would have better been served if we considered donating the \$120,000 to those in Mr. Pinckney's area. Personally, I would have supported a vote of Council to provide these wells. As it is now, being that there is no grant to connect the Highway 311 waterline, everyone, including those in Mr. Pinckney's area, are going to be expected to pay the cost involved in tapping into this line. It would appear to me and others that the people of Water and Sanitation were remiss in failing to consider this \$120,000 solution to the problem of our neighbors. The end result is all of us on Highway 311, including those in Mr. Pinckney's area, are facing expenditures we cannot afford, and Council is left with a \$2,240,000 project to solve."

Ms. Linda M. Riney, residing at 2052 Highway 311, Cross, addressed Council and stated her concerns with regard to the installation of BCWS waterlines along Highway 311. Ms. Riney stated that according to the County's GIS records, there were approximately 92 tap-ins to the "311 water project", to include 311, Groomstown Road and Mudville Road. According to the project engineer and DHEC, this water system, as it is, would require a minimum of 400 tap-ins for it to work correctly. Due to the chloramines added to the County's system, the water would have to move at a certain rate in the pipe to keep those additives suspended. If the water moved slower as it would with only 92 tie-ins, versus 400 tie-ins, the project engineer and DHEC explained that the additives would settle to the bottom of the pipe creating sludge. Sludge

renders water to be undrinkable. The only solution, according to the project engineer and DHEC, would be to put timers on the fire hydrants, and dump water that residents pay for into the ditch, in order for the water to be drinkable. Ms. Riney stated that she did not see a solution to this problem. Two unrealistic options would be to either use the Highway 311 waterlines for fire preventative assistance, or 92 residences could tie-in, and millions of gallons of water could be dumped into the ditch every year. In conclusion, Ms. Riney asked Council to vigorously investigate how this waterline ever got into the ground. It was planned, organized and coordinated by someone. Citizens need to know "from the Genesis through the execution". Those responsible should be identified, and those responsible should be held accountable, as "the citizens of Berkeley County deserved no less".

Mr. Edward Winningham, Jr., residing at 1242 Highway 311, Cross, addressed Council and stated his concerns with the Highway 311 waterline project. Mr. Winningham questioned if a survey was completed, wherein, residents were asked their opinions with regard to purchasing this water. Mr. Winningham stated that he had a good well, and he did not plan on tapping into the County's waterline. In addition, Mr. Winningham did not have \$2,610, the cost to tie in. The waterline was installed beyond Mr. Pinckney's house to start with, and it was told that the project started at Highway 6 and 311. It was not started there, but rather started on the other side of Mr. Pinckney's house. Mr. Winningham asked, "Is that right, Mr. Pinckney."

Council Member Pinckney responded that the waterline started at Pinckney's Court. That would be 1,400 feet beyond Council Member Pinckney's house. The reason it did not go beyond that point was because the zip code changed to the Holly Hill zip code. It would have no longer been the Cross Area Project. Residents on Pinckney Court cannot even tie into the waterline, because they are too far from it. In conclusion, Council Member Pinckney stated, "That was pretty much nothing but someone trying to build some kind of political hate."

Chairman Daniel Davis stated that this project originated back in 2003.

Mr. Winningham continued and stated that approximately one-fourth of a mile from Mr. Winningham's house is a subdivision, and that waterline was not installed into that subdivision. Two miles up the road on Dennis Hill and Mark Evans property, where there is a housing project, the waterline was not installed there. The waterline was not placed down Highway 59. In conclusion, Mr. Winningham questioned why a waterline was installed on Highway 311, ran 1,400 feet to the other side of Mr. Pinckney's property, and then stopped at that point. The line should have been installed all the way to Highway 176.

Mr. Floyd Clark, residing at 1296 Highway 311, Cross, addressed Council and stated his concerns with the Highway 311 waterline project. Mr. Clark stated that residents on Highway 311 were not notified of the County's intention to install the waterline. In conclusion, Mr. Clark stated that he did not want the waterline, and he would not tap into it, as he was unable to afford the \$2,600 tap-in fee, along with the cost of piping that would run from the tie-in to his home.

Mr. Sonny Hogg, residing at 1353 Highway 311, Cross, addressed Council and stated his concerns with the Highway 311 waterline project. Mr. Hogg disagreed with Mr. Pinckney's explanation regarding the zip code change and stated that the addresses might go through the Holly Hill Post Office, but it was still considered Cross. Mr. Hogg stated that Berkeley County's

borderline ran past Highway 176, but the waterline stopped at Pinckney Court. Mr. Hogg stated that he would not only have to pay \$2,600 to the County to tie into the waterline, but he would also have to pay a plumber to run piping from the water meter to his house at a cost of approximately \$10.00 per foot. Mr. Hogg stated that he had a good flowing well, he did not need County water, and he was not going to hook into it. If the County wanted to place a lien on his house, in his passing, his children would have to take care of it. Mr. Hogg would not be put in jail for failure to tie-in either. In conclusion, Mr. Hogg stated, "When we elect people to be our voice in government, when they are elected and seated, we lose our voice in government. They do as they please. I don't know who authorized this waterline, but someone squandered \$2,240,000 of Berkeley County's money. It is an atrocious event. You all (Council) need to be accountable for it."

Mr. George T. Metts, residing at 512 Division Street, Moncks Corner, addressed Council and read a statement into the record with regard to the Highway 311 waterline project, as follows: "As a concerned citizen of Berkeley County, I'm here to speak to you about the process elected and non-elected County employees use to spend the citizens money. After more than two years of observing County Council meetings and various workshops, it is obvious that there are well defined processes in place to ensure that citizens' money is spent prudently. A well defined process protects all involved, to include Council Members, County employees, federal and state agencies, contractors, the environment, and above all, the citizens of Berkeley County. However, in the Highway 311 water distribution project, there's no evidence to support that the normal process of spending more than \$2,000,000 of the citizens' money was exercised. Questions that must be answered are: just a few years ago, this project was far down on the list, approximately #27 of potential projects the County prioritized. I think the record will show that a Councilman recommended that it be removed from the then projected list. Why was it removed? When did it reappear on that list and in what position of priority? Who proposed to put it back on the list, and when was it approved by Council? Was it a specific line item in the Berkeley County Water and Sanitation Authority approved budget? Why was a formal written survey and/or community meeting not conducted to gain citizen input concerning the need? Are there verified, documented reports of citizens along Highway 311 with contaminated wells? Is there documented evidence that County Council specifically approved the Highway 311 water distribution project? Was DHEC advised of the actual number of tap-ins before they granted the construction permits? Was a cost benefit and impact analysis completed for this project? If so, where is it? Who authorized the construction of the project? Where did the \$2,000,000 come from? When I was head of the employment at the Charleston Naval Shipyard, the process performing nuclear work was well defined. Anybody who violated that, it was determined deliberate malpractice. Mr. Chairman, I submit to you that someone involved in this project committed deliberate malpractice, and the responsible official for this misappropriation of citizens' money rests solely with the CEO of this County, and that is the Berkeley County Supervisor."

Ms. Corean G. Anderson, residing at 1639 Old Highway 6, Cross, addressed Council and stated her happiness with the Highway 311 water project. Ms. Anderson stated that the water was a blessing to her, because the water she had was so hard that it discolored her clothes when she washed them. Since Ms. Anderson tied into the County's waterline, it is much better. In

conclusion, Ms. Anderson stated, "I was praying that everybody could get the water, so they could benefit like I benefited by receiving the water. Therefore, I thank you."

Ms. Diane Justice, Big Oak Landing, Cross, addressed Council and stated her concerns with mandatory tie-ins to BCWS's water system. Ms. Justice stated that she operated a business in Cross, which was a campground that she leased. Ms. Justice received a letter, wherein, she had six months to comply with tap-ins, and she had 15 residences at the campground. With the time left on the lease, Ms. Justice would only be working to pay for those 15 water tap-ins. In conclusion, Ms. Justice asked what citizens' options were and if they would be forced to tie-in to the County water system. Ms. Justice already had very good drinking water, which was inspected by DHEC every three months.

Mrs. Rubystene Mazyck, residing at 2532 Ranger Drive, Cross, addressed Council and stated her concerns with regard to the Highway 311 water project. Ms. Mazyck stated that there was no input from the citizens in the area with regard to County supplied water. The only letter received was the one to come in the mail just the other day. Ms. Mazyck had to call Berkeley County Water and Sanitation after several weeks of a fire hydrant "ponding" up her front yard. The hydrant did not have a cut-off valve. In conclusion, Ms. Mazyck stated that citizens were not even told that they would have access to County water, and she recently replaced a water treatment system at a cost of \$5,000. There would be no way for Ms. Mazyck to tap into the County's water system, as her water problem was taken care of with that \$5,000 investment for a new system. Lastly, no communication was received by residents from the County with regard to any potential access to County water, in order for residents to better budget for the cost to tie into same.

Mr. Hubert M. Peagler, residing at 1731 Short Cut Road, Cross, addressed Council and stated his concerns with regard to the Highway 311 water project. Mr. Peagler had a well drilled in 2007, and he was just barely getting over that cost. Mr. Peagler stated that he knew he was receiving better water from his new well than he would get from the County's waterline. "At least I won't have to boil it, unless I want a cup of coffee. They told me over the news that they are boiling water now – for the whole weekend." Mr. Peagler stated that he was on a fixed income, and there were not many people who could live on what he was living on. In conclusion, Mr. Peagler stated, "I don't have the money to pay for it, and I'm not going to mess with it. I rather borrow \$2,000 and give it to you, and just don't bother me no more about the water."

Ms. Rita Lloyd, residing at 1709 Highway 45, Pineville, addressed Council and stated her concerns with regard to the Highway 311 water project. Ms. Lloyd stated that she received a letter from Berkeley County Water and Sanitation two week ago. The letter angered Ms. Lloyd, because residents were not informed any time prior to that letter was received that it was mandatory for residents to tap into the County's waterline. Ms. Lloyd stated that her water was good, and she did not need the County's water. The letter stated that anyone within 50 feet or closer to the waterline had to tap in; it was mandatory. In conclusion, Ms. Lloyd stated, "It shouldn't be mandatory. If I don't need your water, why should I have to tap in? That is an extra bill I have to pay for water that I already have."

Ms. Geneva Kessler, residing at 1077 Spiers Circle, Bonneau, addressed Council and stated her concerns with regard to BCWS waterlines. Ms. Kessler stated, "I have been there almost 50 years, and I have been in Berkeley County for about 60 some years, and I have drank Berkeley County well water, and I'm as healthy as a horse. I just have high blood pressure cause I've been married for 60 years." In conclusion, Ms. Kessler stated, "There's nothing wrong with it (well water). I don't want it (County water), I don't need it, and I don't have the money to hook up to it. Not just me, but my family that lives beside me and beside me and beside me – they don't want it. The people that live across the road from me don't want it; so, you know what you can do with it."

Mr. George Dennis, residing at 1055 Spiers Circle, Bonneau, addressed Council and stated his concerns with regard to BCWS waterlines. Mr. Dennis stated that he was a young married man with three children. He and his family just built a new home and have a nice, new well, with good water. The County came through installing waterlines and was now providing water, which is fine, but Mr. Dennis did not need the water. Mr. Dennis stated that it was his understanding that a lien would be placed on his property if he did not hook up to the County's waterline. Mr. Dennis stated that he had just spent a lot of money to build his house with paying the County for all kinds of permits and inspections. "The County is a wealthy county. I don't care how much you stand up here and poor mouth it. It's just spending it in the right places." Mr. Dennis asked for more specific information with regard to distance/measurements from County waterlines. In conclusion, Mr. Dennis stated, "I don't have a problem paying a fee to join the water if that's what we need to do, because some people may need the water, but \$2,500 is downright ridiculous when you work blue collar for a living, and you don't sit behind a desk with a tie on."

Mr. Paul Joseph Kessler, residing at 1077 Spiers Circle, addressed Council and stated his concerns with regard to BCWS waterlines. Mr. Kessler stated that he talked to a BCWS employee in his front yard one day and was told that they were going to run water down the street. The employee asked Mr. Kessler if he wanted water, and Mr. Kessler told him he did not want the water. Residing in his house for 26 years, Mr. Kessler stated that he had an excellent well, and he "loved it". Mr. Kessler stated that some time later, BCWS proceeded to dig a ditch. Mr. Kessler stated he spoke with the BCWS employee again, and the employee stated that he did not have to hook up to the water if he did not want to do so. However, Mr. Kessler stated that he was told that if he wanted the water at a later date, it would cost extra. Mr. Kessler stated that there was a \$1,300 environmental impact fee, and questioned why Berkeley County did not have to pay that environmental impact fee to run a ditch down the front of Mr. Kessler's property. Mr. Kessler questioned why he would have to pay it when the County was the one who wanted to run the waterlines. In conclusion, Mr. Kessler stated, "I understand that some folks need the water. I'm for trying to get them some water. I'm even willing to help some to get that water. I pay taxes, and that should do that. I'm not willing to pay \$2,600 when I already have good water. When I went to high school, we studied the Constitution. There was a little thing in there called an ex post facto law, which, to my understanding, said you can't make a law now that say's what already was, so you can have it your way now. In my opinion, this is breaking the ex post facto law. I already have my well. I don't think you have the right to come tell me that I will get your water. My name is Paul Joseph Kessler. I'm willing to put in for one of these County seats in the next election."

Mr. Edmond Brink, residing at 1467 Highway 311, Cross, addressed Council and stated his concerns with regard to the Highway 311 water project. Mr. Brink's property is 209 feet from the BCWS waterline tap; thus, Mr. Brink would not be mandated to hook into that waterline. Mr. Brink called BCWS when it ran water to the intersection of Highway 311 and Highway 6. Mr. Brink was told that it would be anywhere from five to seven years for water to come from a different direction, not the way it was run. One and one-half years later, Mr. Brink has a fire hydrant sitting in front of his property. In conclusion, Mr. Brink thanked Council for that fire hydrant. If there was a fire, the County would never get to Mr. Brink's property in time to put the fire out, because he lived in a trailer. At least the hydrant was out there, though, and people living in a house might have a chance to save their property if they are close enough to that fire hydrant. "Putting that water out there doesn't even help me save my property if it catches fire, because a trailer goes up in smoke. So, thank you for your consideration, but you haven't done a thing to help me out."

Mr. W.S. Larrabee, residing at 116 Vineyard Blvd, New Hope, addressed Council and stated his concerns with regard to BCWS waterlines. Mr. Larrabee stated, "If water comes through, there is going to be a lot less hope over there. If sewer comes through, with the way things have been handled with this project, it will be the Community of No Hope." Mr. Larrabee stated that he went to the BCWS administration building and was astounded at the tax money that had been spent over there. All the cars were in the parking lot over there, and the people inside really did not appear to have anything to do. Mr. Larrabee spoke with an engineer and was told that waterlines would be run in the New Hope Area, and the tap-in fee would be \$840. Mr. Larrabee asked if he could make arrangements to pay the \$840 before the cost went up in price. Mr. Larrabee stated that he was told that BCWS would not be able to accept that payment, and BCWS would send him a bill when the fee was due. Now, it is being discussed to charge residents \$3,000. In conclusion, Mr. Larrabee stated that Dorchester County had a program for senior citizens to work off part of their tax bill. Mr. Larrabee did not see anything in the BCWS letter about that type option. There is no discount for senior citizens, nor is there any waiver for the residency requirement for senior citizens. Mr. Larrabee stated that these options should be addressed by Berkeley County.

Mr. Glover H. Pinckney, residing at 2588 Highway 311, Cross, addressed Council and stated his gratification with regard to the Highway 311 water project. Mr. Pinckney stated that he would tap into the waterline when it reached his residence. In conclusion, Mr. Pinckney stated that he had neighbors that also planned to tap into the waterline.

Ms. Gloria Nelson, residing at 740 Toomer Lane, Huger, addressed Council and stated her desire for BCWS to run waterlines further down Cainhoy Road, in order for that area to receive clean water. Ms. Nelson displayed brown-colored water in a plastic bottle for Council to view. Ms. Nelson stated that County water was needed in her area, as the water in the plastic bottle could not be used to drink or cook with. Bathing in the water left her feeling unclean. Waterlines were run as far as Broken Bridge Road, and Ms. Nelson's residence is one block from Broken Bridge Road. Ms. Nelson stated that the water in the plastic bottle was from a third well drilled on her property. The first two wells (one in 1999 and one in 2003) had produced water

worse than the third well most recently drilled. The third well was drilled over 100 feet into the ground. In conclusion, Ms. Nelson stated the area in which she lived needed water.

Council Member Steve Davis responded that Ms. Nelson would need a well deeper than 100 feet, in order to reach usable water.

Mr. Henry Heatley, residing at 427 Skylark Way, Cross, addressed Council and stated his concerns with the BCWS waterline in his area. A resident of this address for 21 years, Mr. Heatley stated that he had a certified well and septic tank. There were no problems with his drinking water, as well as there being no problems with all of his neighbors' well water. There was no word about the waterline until it was already laid. BCWS claimed approximately 10 feet wide by 300 feet long of Mr. Heatley's frontal property, which was wetlands, and those wetlands should not have been disturbed. In conclusion, Mr. Heatley stated that he was never asked by BCWS for his permission to claim the wetlands, and BCWS never paid Mr. Heatley for taking that property away from him to run any waterline.

Mr. Gerald Limehouse, 1311 Umbria Road, Cordsville, addressed Council and stated his concerns with the BCWS waterline in his area. Mr. Limehouse stated that no one was notified about the new waterline. After the fact, a letter was received, which stated a mandatory tie-in. Mr. Limehouse just had a well drilled on his property last year at a cost of \$3,000. In conclusion, Mr. Limehouse stated that his water was fine, and he was having no problems with his system. Mr. Limehouse questioned why he would be penalized with a lien on his property just because he lived within a certain footage of BCWS's newly installed waterline. "I don't think it's fair. I don't think it's right. Someone did something wrong somewhere, and you guys should look into it, and find out who did this."

Chairman Daniel Davis stated that staff would address questions that were brought up by citizens present this night.

Chairman Daniel Davis continued and stated that there were a number of issues with regard to some actions taken by Water and Sanitation over the years. An audit had been ordered and was in process at this time. The audit would include six years of BCWS activities. It was uncertain at what point the audit process was at, but Chairman Daniel Davis certainly hoped to have the results by the end of this year. The audit should answer all questions of concern when completed.

Council Member Pinckney stated that he wanted to address the audience because his name was called throughout the public discussion. Council Member Pinckney wanted to assure all citizens present this night that the Highway 311 water project had been on the books since 2003. The documentation was there, and the audit would assure the citizens that nothing was done illegally or unethically on his part. The people living on Pinckney Court desperately need water, but they are unable to receive it. Staff will address that. Council Member Pinckney stated that as an elected official, he was trying to take care of the needs of citizens in Berkeley County's Cross district. Up until 2006, children attending Cross Elementary, Cross High School and Timberland High School did not have safe, drinking water. This is the 21st Century. Many trips were made to Washington with the previous administration to see whether or not federal funds could be secured to provide water to the schools, in addition to hopes that those waterlines

could be extended to citizens in various communities, particularly the Cross Area, because that was the area that did not have safe, drinking water for the children and other people living in the area. There are citizens who do not need the water, because they have deep wells. It is good that those citizens have been blessed with the ability to afford those wells, but there are a lot of people that cannot afford a well and desperately need it. In talking about Groomstown Road and Highway 59, that is the reason why the waterline came down Highway 311. There has to be a main line before other lines can transition off to homes on the by-roads. Council Member Pinckney stated, "The thing that bothers me more so than anything – you have the right to your opinion, but the thing that bothers me the most is that a lot of untruth was told just so somebody could gain political hate on the back of poor and needy people. That is not right. I am here to tell you that regardless of what you might think or what you might say, there is, and there will be accountability. There will be accountability before every one of us in this room, and I know that. Like Ms. Hogg said, I am too a Christian. I do not believe in lying and carrying on and doing things underhanded. I believe in doing what's right, and I pray all the time and ask God for guidance. You say you didn't know about it? I've been having meetings at the Cross Community Center since 2000, since I got elected, every third Tuesday night, and I have been disseminating that information."

Council Member Steve Davis stated that a waterline could have provided water to Spiers Circle four years ago. The County did not run the waterline there, because the citizens on Spiers Circle said they did not want it; thus Council Member Steve Davis did not pursue that directive. The Forty-One Community welcomed that waterline. Water was run to Timberland High School, but the constituents in the Alvin Community never showed an interest in receiving County water, so there was never a decision to run lines beyond the high school. Council Member Steve Davis stated that he lived in the rural part of the County, and he utilized both his private well and County water. That was by choice, and that choice should be extended to each and every one of the citizens, versus any mandatory hook-up.

Mr. David G. Jennings, BCWS Attorney, stated that the County was able to secure grant funds for waterlines to Schulerville/Honey Hill. Generally, grant funds are available directly through the federal government or Community Development Block Grants. Funds from block grants are used for connections and connection fees. In order for those programs to be applicable, the County would be working with largely low and moderate income areas.

Mr. Ed Rogers, BCWS Customer Service Director, stated that when he started working for BCWS in August 2000, water in the Cross Area was a "hot topic" at that time. The largest concerns were problems at the Cross schools, as DHEC saw problems with the wells, and pushed to get water to those schools. At that same time, Cross was having problems with the Martin Marietta quarries. A lot of input was received from citizens at that time, as citizens were filing legal actions against Martin Marietta. In early 2000, there were some major articles run in the *Post & Courier* talking about the water problems in Cross. Mr. Rogers stated that in 2002-2003, he did a street-by-street ride and housing count in the Cross Community, at which time, 591 potential users were identified (starting at Berkeley Elementary and up through the whole Cross Area. Water became available to 107 potential users and two schools (with the water to the schools project). The rest of the Cross Area was broken up over different projects.

Mr. Rogers continued and stated that the County received a \$1,000,000 EPA grant to assist with water to the Cross schools. A grant in the amount of \$500,000 was received by the County to assist with tie-ins to low and moderate income residences along Old Highway 6 to the high school. In addition, \$1,000,000 was received to complete the rest of Old Highway 6 all the way to the County line and those streets north of Highway 6 (i.e., Spier's Landing).

Mr. Rogers continued and stated that he came before Council on November 26, 2003, and presented to Council BCWS's recommendation of its next future projects. The Cross water project was one of those projects. It was approved to move forward with the projects. On December 9, 2003, Mr. Rogers made a request to the Congressional Delegation, asking for monies for the Cross Area water project. Mr. Rozier called Mr. Rogers on December 10, 2003, and asked for the documentation maps for the projects in that presentation to the Delegation. This was for the Cross water project. All of Cross included Highway 311, Groomstown, Mudville and Short Cut. All of those roads were part of that project in 2003. Due to funding, the project had to be broken into different cycles. Water to the Cross schools was first. Thereafter, BCWS followed through with the northern Cross project, at which time, \$1,000,000 was secured to cover the rest of Old Highway 6 and north. The Cross project continued with three main branches being Short Cut Road, Trojan Road, Highway 311, and the rest of Ranger from Old Highway 6 up to the canal.

Mr. Rogers continued and informed Council of how and where the water stopped on Highway 311. Mr. Rogers stated that he had no idea where Mr. Pinckney lived. As Mr. Rogers rode Highway 311, he reached the point of a wooded area approximately one mile long with one house at the edge of the area. There were also lowlands in there which would be a problem environmentally crossing. Mr. Rogers returned to the engineers and stated that to be a good place to stop running the waterline. That is where BCWS stopped. It was not until three months later that Mr. Rogers found out that BCWS had just passed Mr. Pinckney's house with the waterline. Mr. Rogers stated that Mr. Pinckney did not have one thing to do with BCWS stopping that waterline where it did. The decision was made after a housing count was completed and reaching the point of the long wooded area with no houses.

Mr. Rogers also looked at Highway 59, because the quarries are located there. When a right turn is taken off of Highway 311, heading north up through Highway 6, there is a little section of Berkeley County on both sides, and then the whole left side is Orangeburg County, with the right side being in Berkeley County. There were only 30 houses in an eight-mile stretch; therefore, it was not economically feasible to run water on Highway 59.

Mr. Micah Miley, BCWS Engineering Director, stated the timeline at the start of hiring engineers and contractors, as follows:

- In 2003, the project was listed as one of the capital projects, as mentioned.
- The project itself was referred to as the Cross Area Water Project.
- An environmental impact document was completed, as required by EPA, because there was an EPA portion of water to Cross schools project. In that document, BCWS looked at all the paved roads in the Cross Area. It was included into the scope of the original project, as there was a plan in place to evaluate all paved roads in the area.
- June 2004, the project was still listed in the capital projects.

- June 2005, BCWS requested qualifications for engineers to design the project.
- January 2006, Council approved entering into a contract with Engineering Resources Corporation (ERC) for the design services of the project.
- The contract between ERC and BCWS included the original map of the Highway 311 Project with the Cross Area Water Project as down Highway 311 to where it stopped.
- February 2006, BCWS held a pre-design meeting with ERC, and minutes of the meeting reflect that the same scope of the project down Highway 311 to where it was currently terminated was in the project.
- March 2006, the engineer began surveying down along Highway 311 for the project.
- October 2006, plans were first submitted to BCWS from ERC.
- March 2007, second revisions with BCWS comments were submitted back.
- July 2007, the permit was submitted to the Department of Health and Environmental Control (DHEC), reflecting the number of services and scope of project as originally conceived.
- March 2008, construction for the project was advertised for bids.
- April 2008, County Council awarded the construction project for the entire Cross Area Water Project, including Short Cut Road and some others, along with Highway 311, for a total of cost of \$2,240,000.

Council Member Steve Davis questioned when a survey of potential users was performed at Spier's Circle.

Mr. Miley responded that he would have to perform a research of County records and the project to establish a timeline similar to the one presented this night for the Cross Area Water Project.

Mr. Jennings responded to some of the questions asked in the audience this night with answers, as follows:

- **Question:** Who is responsible? How did this project get approved? Where did the money come from?

Answer: The answers to these questions will come from the audit upon completion.

- **Question:** Was a formal customer survey completed?

Answer: No; there was no formal survey. Mr. Rogers spoke earlier with regard to the interest by citizens that BCWS was receiving from the Cross Area Water Project. Numerous phone calls were received from a number of areas in the County. Calls came from other areas, such as Schulerville/Honey Hill and calls with regard to the waterline running into the Cainhoy Area.

- **Question:** Was installing deep wells considered?

Answer: BCWS had many conversations with the Coastal Conservation League regarding the Schulerville/Honey Hill line. The League had two points: 1) why not put in deep wells; 2) for the amount of money that would be spent on the waterline, BCWS

could provide citizens with bottled water for the rest of their lives. Individuals would not get much fire protection with bottled water or deep wells. Fire protection is provided with a governmental waterline that would provide adequate pressure to service the fire department.

- **Question:** Where is the 150-foot tie-in measured from?

Answer: Based on the amendment to the ordinance, adopted one year ago, the 150 feet is measured from the property line closest to the waterline to the edge of the building that is required to be connected. It is the proximity of the building to the highway right-of-way.

- **General Background on Mandatory Connection:** The current sitting nine Members of Berkeley County Council (including the Supervisor) were not in office when mandatory connection was adopted. It was adopted in the mid 1990's. It was a requirement of the federal lending agency from whom the County's Water and Sanitation was getting a good bit of money from at that time. It was known as Farmers Home; thereafter, known as Rural Development. Rural Development took a "hard line" when the County requested a loan in the amount of \$9,000,000 to pay for the County's portion of the Lake Moultrie Water System. There were a number of lengthy, vocal meetings and public hearings prior to adoption of the ordinance containing the mandate. It was not popular in the 1990's, and it is not popular now. Staff is required to enforce all of the ordinances adopted by Council.

Council Member Steve Davis asked if the ordinance containing the mandatory connection clause could be amended.

Mr. Jennings responded that the County did not owe Rural Development any money.

Council Member Steve Davis recommended that the mandatory tie-in provision be removed from the ordinance, in order to give citizens the option of whether they want to tap in or not.

Council Member Callanan questioned the accuracy of a drive-by survey, and asked why letters were not sent to citizens.

Mr. Rogers responded that he was not establishing need, only a housing count.

Council Member Callanan stated that when the County is dealing with a situation where it is actually subjecting citizens and the County to a considerable expense, it would seem more sensible to send letters out.

Mr. Rogers stated that TMS numbers can be pulled up from GIS, but it is unknown which parcels are developed and which are not. That is the purpose of a visual house count. This does not establish need, but rather potential users.

Council Member Steve Davis stated that BCWS could have sent letters to Spier's Circle asking citizens whether they were interested in tapping into the water system.

Mr. Rogers responded that BCWS could have.

Council Member Callanan stated that letters could have been sent out to everyone in advance, as well.

Chairman Daniel Davis stated that there were community meetings held in Wassamassaw, and feedback was received. That is the process that the County would use when there was a major project like this in the future.

Council Member Callanan stated that to be a preferable way, in his opinion, to let citizens know there would be a vote to extend water to their community. Citizens should know in advance, similar to when the County erected a sign to let citizens know if a neighbor was requesting a rezoning of his/her property.

Mr. Rogers stated that BCWS had used letters and door hanger flyers on occupied houses announcing community meetings to take place.

Mr. Jennings stated that he remembered a public meeting at the Cross High School.

Council Member Pinckney concurred with Mr. Jennings.

Mr. Jennings stated that there were several projects dealing with the Cross Area in getting water to the Cross schools. There was no formal community-wide survey of interest. There were substantial and repeated conversations with County Council. In mid-2000, BCWS sold two very significant bond issues to undertake a number of water and sewer projects. The Council in office at that time was briefed in great detail and understood what projects were going to be constructed, where the lines were going and where the money was coming from.

Council Member Callanan questioned if the Cross Area Water Project was several projects together.

Mr. Miley responded that the Cross Area Water Project is one project, designed and constructed together with multiple roads. Highway 311 was one of the roads the waterline went down.

Council Member Callanan stated that he was elected to Council in 2007. The list Council Member Callanan had did not show Highway 311 on it. Council Member Callanan questioned if Highway 311 was a major component in the Cross Area Water Project.

Mr. Miley responded that to be correct.

Council Member Callanan questioned why Highway 311 was not on the list.

Mr. Miley responded that he did not know why it was not on the list.

Council Member Callanan questioned if there was an effort to have a waterline from Holly Hill to Lake Marion.

Mr. Miley responded that to be correct.

Council Member Callanan questioned if that waterline came down from Holly Hill, reached Highway 176 and touched toward the end of Highway 311.

Mr. Miley responded that to be correct.

Council Member Callanan stated that it would have been more economically feasible to tie Highway 311 into that once it was in place, because it would be financed by grants.

Mr. Miley stated that the grant project, which was moving forward at this time with the Lake Marion Project, is scoped to install a booster pump station at the intersection of Highways 311 and 176. Progressing down Highway 176, slightly toward the Goose Creek Area, a power line right-of-way would be picked up and followed back over to Cooper Store Road, along the power line right-of-way off of Highway 176. This would avoid Department of Transportation (DOT) issues. The main point would be to connect into the lower part of the system where the most need of additional water capacity is in the BCWS system (I-26 Area and back toward Cainbay and other developments in that area). It also included a second feed up Highway 311 to make that connection there.

Council Member Callanan questioned if the County applied for grants for the Highway 311 project.

Mr. Rogers responded that several requests for grants were submitted. Highway 311 was in part of the overall project. Grants were applied for, but grants were not received.

Council Member Callanan questioned if a reason was given by the granting agency as to why the grants were not awarded.

Mr. Rogers responded that reasons are not given as to why grants are not awarded. The agency only said, "No." Mr. Rogers stated timing to be everything, and the timing was off for the windows of the grants for Short Cut Road, Trojan Road and Highway 311. BCWS has made several requests through the Congressional Delegation in Washington for funds in the project. There was an approximate \$2,000,000 on the House Appropriations Bill for BCWS that did not materialize. EPA's funds on the schools' project was part of federal grant funds secured for Cross.

Council Member Callanan questioned if those grants included the cost of connection and impact fees?

Mr. Rogers responded that it did not cover those costs. The only grants that cover connection fees are Community Development Block Grants (CDBG). BCWS did get two of those grants for Cross, but none for Highway 311. A CDBG is a competitive grant program at the state level. Sometimes a grant is secured, and sometimes it is not.

Council Member Callanan questioned how it is determined who gets funds and who does not?

Mr. Rogers responded that the state would require BCWS to have a project which BCWS designated as a grant applicant. At least 51 percent of the entire project would need to be low to moderate income in order to be competitive for a grant. Every single road within that project would have to be at least 51 percent for that particular road from the grant project.

Mr. Rogers continued and stated that a CDBG was not applied for Highway 311.

Council Member Callanan asked why a grant was not applied for that work.

Mr. Rogers responded that three grants had already been secured in Cross, and BCWS had to address other parts of the County.

Council Member Steve Davis stated there to be a lot of depressed areas in the State of South Carolina.

Mr. Rogers responded that there were a lot of other areas more depressed than Berkeley. There are three different categories, and Berkeley County is in the better of the three categories. Berkeley County's competition for these grants is very tight. It is hard to secure the funds.

Council Member Steve Davis asked if Berkeley County was part of the "Corridor of Shame".

Mr. Rogers responded that Berkeley County was not part of that corridor.

Council Member Steve Davis stated that all citizens' concerns expressed this night could be addressed with "a choice" (versus mandatory hook-ups).

Mr. Rogers stated that the window is open once per year for CDBG's. State regulations only allow two grants open at one time. Berkeley County has two grants open all the time. This would include receiving the funds, design, construction and completion of the project before it could be dropped off the list. These were qualifying factors also.

Council Member Callanan questioned if the contract for Highway 311 could have been postponed until the other two grants were closed out.

Mr. Rogers stated that Highway 311 would have been too expensive of a project to compete at the state level for a CDBG.

Council Member Callanan questioned if amending the ordinance regarding mandatory tie-ins would affect the County's receipt of CDBG grants in the future.

Mr. Rogers stated that amending the ordinance would affect the County. Berkeley County would receive extra points at the state level when the County competes, because there is a mandatory tie-in clause.

Council Member Fish stated that he had a copy of every budget from 2004. In the 2004 budget, Council identified a wish list. Some of the Cross Area was #28, and on that list, Highway 311 appeared. It also appeared in the subsequent year of 2005. At that time, Council Member Fish stated that it was his recollection that it was talked about, as information came out with regard to the Cross Water Project. Highway 311 would be fed when the lines came back down Highway 176 and then onto Highway 311, because it was not economically feasible to place a waterline on Highway 311 until it was time for the Lake Marion Water Project. From budgets 2005 and on, the list was the same except that Highway 311 came off that list. It never appeared again after 2005. Council Member Fish stated that he did not know how Highway 311 got back on the list.

Council Member Fish continued and stated that in the future, there would be specific questions as to what roads were involved with a project upon presentation to Council.

Chairman Daniel Davis stated the best way to determine which roads were involved would be to look at the map. One thing that was consistent with this project was that maps from 2003 through completion of the project reflect waterlines on Highway 311.

Chairman Daniel Davis stated that all questions would be answered upon completion of the external audit of BCWS. This project was started in 2003. The project had been engineered and ready long before January 2007 when he took office. The previous Council had approved that project all along the way. The audit will go back six years, and the audit will involve not only this project, but a number of other projects also. In conclusion, Chairman Daniel Davis stated that it was his desire for what County Council did to be open and "above board", and he encouraged those with any further questions to come forward with them.

Public Discussion concluded at 8:25 p.m.

S/Barbara B. Austin, CCC
Clerk of Council

July 27, 2009
Date Approved

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY JUNE 22, 2009**, following Public Hearings and the meetings of the Committees on Finance, Land Use and Planning and Development at 6:00 p.m., in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Council Meeting	May 11, 2009
Public Hearings: Bills Numbered 09-08, 09-09, 09-10, and 09-11	May 27, 2009
Regular Council Meeting	May 27, 2009

PUBLIC DISCUSSION - Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

MR. PAUL CONNERTY, EXECUTIVE DIRECTOR, TRIDENT WORKFORCE INVESTMENT BOARD

THIRD READING:

1. Bill No. 09-12, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frank & Donna Ward and Joseph Fort**, 224 Last Chance Trail, Moncks Corner, **TMS #141-00-02-077, -102, -089** (Total of 5.37 Acres) **from PDMU, Planned Development Mixed Use and F-1, Agricultural District to R-1, Single Family Residential District.** Council District No. 6.

[Recommended by Committee on Land Use]

2. **Bill No. 09-13**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Berkeley County, 616 Whitesville Road (Moncks Corner Airport)**, Moncks Corner, **TMS #142-00-00-006** (26 +/- Acres) **from F-1, Agricultural District to HI, Heavy Industrial District**. Council District No. 6.

[Recommended by Committee on Land Use]

3. **Bill No. 09-14**, an **ordinance** authorizing an amendment to the conveyance of two acres owned by Berkeley County located on old Highway 6 in Cross, South Carolina, more particularly identified by **TMS Number 041-00-04-061**.

[Recommended by Committee on Land Use]

4. **Bill No. 09-15**, an **ordinance** providing for the adoption of fiscal year 2009-2010 (**beginning July 1, 2009 and ending June 30, 2010**) **budgets** for the Berkeley County Water and Sanitation and the Berkeley County Water and Sanitation Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into Berkeley County Water and Sanitation and the Berkeley County Water and Sanitation Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by the Berkeley County Water and Sanitation.

[Recommended by Committee on Water and Sanitation]

5. **Bill No. 09-16**, an **ordinance** providing for the fiscal year beginning **July 1, 2009, and ending June 30, 2010**, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

6. **Bill No. 09-17**, an **ordinance** providing for the fiscal year beginning **July 1, 2009, and ending June 30, 2010**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

7. **Bill No. 09-18**, an **ordinance** providing for the fiscal year beginning **July 1, 2009, and ending June 30, 2010**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

8. **Bill No. 09-20**, an **ordinance** providing for the fiscal year beginning **July 1, 2009, and ending June 30, 2010**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

[Recommended by Committee on Finance]

9. **Bill No. 09-22**, an **ordinance** to amend certain sections of **Ordinance No. 08-06-30** to provide for the adoption of state mandated building and safety codes.
[Recommended by Committee on Planning and Development]

SECOND READING:

1. **Bill No. 09-23**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Sammy Bayles** for Bates Development, 907 Hunt Drive, Huger, **TMS #241-00-03-001** (1.46 Acres) **from R-2, Manufactured Residential District to F-1, Agricultural District**. Council District No. 8.
[Recommended by Committee on Land Use]
2. **Bill No. 09-24**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Berkeley County** for Cainhoy Park Owners Association, **TMS #271-00-01-099, -090, -089, -102, -110, -137, -143, -179, -144, -111, -147, -148, -173, -172, -164, -145, -092, -093** (48.2 +/- acres) Cainhoy Park–Legrand Blvd, Charleston, **from GC, General Commercial District to LI, Light Industrial District**. Council District No. 8.
[Recommended by Committee on Land Use]
3. **Bill No. 09-25**, an **ordinance** to **amend Ordinance No. 08-06-43**, adopted June 23, 2008, to provide for Supplemental Appropriations and allocations thereof within the **2008-2009 Budget** for Berkeley County; and other matters relating thereto.
[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 09-26**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tommy Boals**, 1134 Clements Ferry Road, Wando, **TMS #263-00-01-013** (31.86 acres) **from F-1, Agricultural District to PD-MU, Planned Development Mixed Use District**. Council District No. 8.
[Recommended by Committee on Land Use]
2. **Bill No. 09-27**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bob Glover** for Maggie Sass, 1055 Old Back River Road, Goose Creek, Portion of **TMS #252-03-08-015** (0.77 acres) **from R-1, Single Family Residential District to RNC, Rural and Neighborhood Commercial**. Council District No. 3.
[Recommended by Committee on Land Use]
3. **Bill No. 09-28**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Larry Windham**, located at intersection of Hoover and United Drive, Huger, **TMS #250-00-00-008** (7.0 acres) **from R-2, Manufactured Residential District to Flex-1, Agricultural District**. Council District No. 8.

[Recommended by Committee on Land Use]

4. Bill No. 09-29, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bernard and Patricia Casey**, 4812 N. Highway 52, St. Stephen, TMS #016-00-04-039 (2.09 acres) **from GC, General Commercial District to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

5. Bill No. 09-30, an Ordinance authorizing the execution and delivery of an amended and restated **FEE IN LIEU OF TAX AGREEMENT** by and between **BERKELEY COUNTY, SOUTH CAROLINA** ("BERKELEY COUNTY") AND HW BERKELEY PHASE II-A, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY ("PHASE II-A"), HW BERKELEY PHASE II-B, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY ("PHASE II-B"), HW BERKELEY PHASE II-C, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY ("PHASE II-C"), HLIT IV SC-1, L.P., A DELAWARE LIMITED PARTNERSHIP ("SC-1") AND HLIT IV SC-2, L.P., A DELAWARE LIMITED PARTNERSHIP ("SC-2") (COLLECTIVELY THE "COMPANY").

[Recommended by Committee on Finance]

6. Bill No. 09-31, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **E. J. Meadows, Jr.**, 1349 North Highway 52, TMS #103-15-01-002, (.73 acres) **from F-1, Agriculture District to PD-MU, Planned Development Mixed Use District**. Council District No. 8.

[Recommended by Committee on Land Use]

RESOLUTIONS:

1. RESOLUTION providing for the **Transfer of Funds** in the **2008-2009 Berkeley County Budget** for County purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. RESOLUTION authorizing **continuing appropriations** for fiscal year 2009-2010.

[Recommended by Committee on Finance]

3. RESOLUTION authorizing the continuing of the Tall Pines Special Tax District Budget until such time as the 2009-2010 budget can be finalized.

[Recommended by Committee on Finance]

4. RESOLUTION authorizing the County Supervisor to negotiate and execute a **lease agreement** with **Parkway Investments, LLC**, for property located at 102 Sangaree Park Court, Suites 1 and 2, Summerville, South Carolina 29483.

[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Council Member, Mr. Jack H. Schurlknight, Chairman.
 - a. **Berkeley County Chamber of Commerce Accommodations Tax update.**
 - b. **Berkeley County Web site presentation.**
2. **Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
3. **Committee on Public Works and Purchasing.**
Council Member, Mr. Robert O. Call, Jr. Chairman.
 - a. **Approval of Bucket Truck Bid – (Lilley International - \$114,100.00.)**
4. **Committee on Justice and Public Safety.**
Council Member, Mr. Steve C. Davis, Chairman.
 - a. **Approval of 2009 Edward Byrne Memorial Justice Assistance Grant.**
5. **Committee on Water and Sanitation.**
Council Member, Mr. Timothy J. Callanan, Chairman.
6. **Committee on Planning and Development.**
Council Member, Mrs. Cathy S. Davis, Chairman.
7. **Committee on Community Services.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
8. **Committee on Human Services.**
Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

DEVON FOREST SPECIAL TAX DISTRICT

LIBRARY BOARD

MENTAL HEALTH BOARD

SANGAREE SPECIAL TAX DISTRICT

SPIERS LANDING COMMISSION

TALL PINES SPECIAL TAX DISTRICT

TAX ASSESSMENT REVIEW BOARD

TRIDENT WORKFORCE INVESTMENT BOARD

MARVIN DICKERSON (REPLACING CHUCK CAIN) – TERM WILL EXPIRE JUNE 30, 2010.

EUGENE BUTLER – (REPLACING DAVID GINN TO FILL AN ECONOMIC DEVELOPMENT SEAT)
– TERM WILL EXPIRE JUNE 30, 2012.

WATER AND SANITATION APPEALS BOARD
ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE JULY 2009, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY JULY 27, 2009, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND OTHER COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

June 17, 2009
S/Barbara B. Austin, CCC
Clerk of County Council